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11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF WASHINGTON

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UNITED STATES OF AMERICA, )  
Plaintiff, ) NO.  
vs. ) UNITED STATES OF AMERICA'S  
WALTER RILEY & JANE DOE ) COMPLAINT FOR TRESPASS,  
RILEY, individually and as the marital ) ENCROACHMENT, DAMAGES,  
community comprised thereof, d/b/a ) DECLARATORY AND  
RILEY'S RIVER RANCH, ) INJUNCTIVE RELIEF  
Defendants. )

The United States of America, through its counsel Joseph H. Harrington, United States Attorney (EDWA), and the undersigned Assistant U.S. Attorneys, alleges, avers and claims as follows:

**I. JURISDICTION AND VENUE**

1. This action is brought by the United States to enjoin Defendants' unauthorized and unlawful construction of buildings and structures on federal land, placement and storage of personal property on federal land, and depositing of cattle and other animal carcasses and other debris on land owned by the United States and

1 administered by the United States Army Corps of Engineers (“USACE” or “Corps”).

2 The United States also seeks to recover damages and other relief on account of the  
3 Defendants’ unauthorized, unlawful and injurious conduct.  
4

5 2. This action also is brought by the United States to enjoin Defendants’  
6 unauthorized and unlawful grazing, winter feedlot operation, and maintaining of  
7 livestock on lands owned by the United States and administered by the Corps. The  
8 United States also seeks to recover damages and other relief on account of the  
9 Defendants’ unauthorized, unlawful and injurious conduct.  
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12 3. This Court has jurisdiction over the subject matter of this action pursuant  
13 to 28 U.S.C. §§ 1331 and 1345.  
14

15 4. Venue is proper in this district court because Defendants own land and  
16 operate a ranching business in Whitman County, Washington, and the actions which  
17 the claims arise upon occurred or are continuing to occur on real property located in  
18 Whitman County, Washington, which is in the Eastern District of Washington  
19 (EDWA).  
20  
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## 22                   **II. PARTIES**

23 5. The Plaintiff is the United States of America, acting through the United  
24 States Department of the Army and the United States Army Corps of Engineers  
25 (“USACE” or “Corps”).  
26  
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28 6. Plaintiff is a sovereign and holds legal title to the public lands  
encompassing segment tracts 302, 303, 304-1, 309, and 312 in sections 4, 5, 8, and 9  
29

1 of township 13N and Range 40E, Willamette Meridian, located within the Little  
2 Goose Lock and Dam Project in Central Washington state.  
3  
4

5 7. The Corps is charged by federal statute to manage, administer, and  
6 protect the public lands encompassing the Little Goose Lock and Dam project,  
7 pursuant to 16 U.S.C. § 460d.  
8

9 8. The land trespassed and encroached upon is in the Central Ferry Habitat  
10 Management Unit (CFHMU), which has been classified as “Wildlife Management  
11 General” under the Master Plan for Little Goose Lock and Dam Project. This  
12 classification is intended to support habitat requirements under the Lower Snake River  
13 Compensation Plan, which was authorized by Congress pursuant to the Water  
14 Resources Development Act of 1976 (Public Law 94–587).  
15  
16

17 9. Congress has set aside these lands for wildlife management, public  
18 recreation and dam operations. As such, private (non-recreational) activities are  
19 prohibited, unless authorized under 36 C.F.R. § 327 or other applicable federal  
20 law/regulation.  
21

22 10. Tract 303 was purchased by the Corps in 1965 from Lester Riley. Tract  
23 302 was purchased from Harold Morgan in 1965. The Defendants Walter Riley  
24 (Lester Riley’s son) and Jane Doe Riley (Walter Riley’s wife) are trespassing on 30.1  
25 acres of Corps-managed lands.  
26  
27

28 11. The Defendants are Walter Riley and Jane Doe Riley d/b/a Riley’s River  
Ranch (“Defendants”), located at 10503 SR 127 Pomeroy, WA 99347. Jane Doe  
COMPLAINT - 3

Riley is believed to be the wife of Walter Riley and a member of the marital community comprised thereof.

### III. BACKGROUND

12. Defendants Walter Riley and Jane Doe Riley collectively own approximately 11,120 acres of land of which all but 12.5 acres are located in Garfield, Spokane, and Whitman counties. Defendants presently have no permit or any other authorization issued under the authority of the Secretary of the Army that authorizes Defendants to use or occupy Corps-managed public lands.

13. From at least 2011, Defendants have persistently and continuously placed and/or allowed livestock and other personal property to enter or be on the public lands within tracts 302, 303, 304-1, 309, and 312 of the Little Goose Lock and Dam project, within the Walla Walla District of the Corps. Defendants have deprived the United States of its proprietary interest in these Corps-managed public lands, including, but not limited to, the following:

i. On October 29, 2011, the Corps observed Defendants' ranching activity and personal property, including but not necessarily limited to hay bales placed on Corps-managed lands in violation of 36 C.F.R. §§ 327.14, 327.15, and 327.18.

ii. On April 2, 2012, the Corps observed Defendants' ranching activity and personal property on the United States' property, including but not necessarily limited to over a dozen head of cattle, related manure piles, farming equipment, and

1 Defendants' building placed on the Corps-managed lands, in violation of 36 C.F.R.  
2 §§ 327.9, 327.11 , 327.14, 327.15, and 327.18.  
3

4       iii. On August 21, 2012, the Corps observed Defendants' personal property,  
5 not necessarily limited to hay bales, feeders, and manure piles placed on Corps-  
6 managed lands, in violation of 36 C.F.R. §§ 327.9, 327.14, 327.15, and 327.18.  
7

8       iv. On March 1, 2013, the Corps observed Defendants' personal property  
9 associated with ranching operations, including but not necessarily limited to multiple  
10 head of cattle, feeders, manure and debris piles on Corps-managed lands, in violation  
11 of 36 C.F.R. §§ 327.9, 327.11, 327.14, 327.15, and 327.18.  
12

13       v. On July 22, 2013, the Corps observed Defendants' personal property  
14 related to ranching operations, including but not necessarily limited to feeders, manure  
15 and debris piles, on Corps-managed lands in violation of 36 C.F.R. §§ 327.9, 327.14,  
16 327.15, and 327.18.  
17

18       vi. On March 21, 2014, the Corps observed personal property associated  
19 with Defendants' ranching operations, including but not necessarily limited to hay  
20 bales, vehicles, and equipment on Corps-managed lands in violation of 36 C.F.R. §§  
21 327.2, 327.14, 327.15, and 327.18.  
22

23       vii. On June 20, 2014, the House of Representatives Committee on  
24 Appropriations issued Report 113-486, which noted that the Committee was aware of  
25 issues regarding the use of Corps land by certain landowners adjacent to the Lower  
26  
27  
28

1 Snake River Project, and directed the Corps to “maintain the status quo use of these  
2 lands as long as good-faith efforts are being made to find resolution.”

3       viii. On November 10, 2014, the Corps observed personal property associated  
4 with Defendants’ ranching operations including, but not necessarily limited to, a pile  
5 of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles, tires,  
6 fencing, and metal tanks on Corps-managed lands in violation of 36 C.F.R. §§ 327.2,  
7 327.9, 327.14, 327.15, and 327.18.

8       ix. On November 24, 2014, the Corps observed Defendants’ personal  
9 property associated with ranching operations, including but not necessarily limited to  
10 a pile of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles,  
11 tires, fencing, and metal tanks located on Corps-managed lands, in violation of 36  
12 C.F.R. §§ 327.2, 327.9, 327.14, 327.15, and 327.18.

13       x. On December 16, 2014, the Corps observed personal property associated  
14 with Defendant’s ranching operations, including but not necessarily limited to a pile  
15 of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles, tires,  
16 fencing, and metal tanks placed upon Corps-managed lands, in violation of 36 C.F.R.  
17 §§ 327.2, 327.9, 327.14, 327.15, and 327.18.

18       xi. On or about March 27, 2015, the Corps observed Defendants and/or  
19 agents of Riley’s River Ranch spraying what appeared to be liquid manure on Corps-  
20 managed lands, in violation of 36 C.F.R. §§ 327.9 and 327.14.

1       xii. On October 29, 2015, the Corps sent a report in response to House  
2 Report 113-486 (discussed above in vii). Therein the Corps gave a status update on its  
3 multiple efforts to try to amicably resolve Defendants' and other landowners'  
4 trespasses and encroachments on federal lands in the USACE's Walla Walla District.  
5 The report conveyed that the Corps was attempting to arrange a land exchange with  
6 Defendants, but Defendants were unwilling to pay the required administrative fees,  
7 and the offered land exchange was not compatible with wildlife mitigation. Further,  
8 Defendant Walter Riley was not responsive to requests for additional negotiation on  
9 the proposed land exchange. The Corps also reported that it did not have any further  
10 authority to offer Defendant a lease because such a lease would create a deficit of  
11 habitat mitigation acreage.

12       xiii. On February 24, 2016, the Corps observed personal property associated  
13 with Defendants' ranching operations, including but not limited to livestock, tractor  
14 tires, a wood shed, concrete pad, manure and debris piles, and an animal carcass pile  
15 located on Corps-managed lands, in violation of 36 C.F.R. §§ 327.9, 327.11, 327.14,  
16 327.15, 327.18, and 327.20.

17       xiv. On January 6, 2017, the Corps observed personal property associated  
18 with Defendants' ranching operations, including but not necessarily limited to tractor  
19 tires, a wood shed, concrete pad, manure and debris piles, and an animal carcass pile  
20 owned on Corps-managed lands, in violation of 36 C.F.R. §§ 327.9, 327.14, 327.15,  
21 327.18, and 327.20.

1 xv. Based on the Corps' observations on January 11, 2018, and the multiple  
2 other site visits identified in this Complaint, the Corps prepared a map (dated January  
3 12, 2018) documenting several, but not necessarily all of Defendants' encroachments  
4 on federal land, which summary is identified in Attachment A.

5 14. In addition to violating 36 C.F.R. § 327.9, Defendants' carcass pile  
6 violates RCW 16.36.113. On March 13, 2015, the Corps notified the Washington  
7 State Department of Agriculture of Defendants' unlawful dumping of cow and horse  
8 carcasses on Corps-managed lands. The Washington State Department of Agriculture  
9 conducted an investigation and determined that not only was the carcass pile on the  
10 subject land, but it was also placed too close to an environmentally sensitive body of  
11 water (i.e., the Snake River).

12 15. On May 7, 2015, Defendants were notified by the Washington State  
13 Department of Agriculture that their cow, horse, and other livestock carcass pile  
14 located on Corps-managed lands was located too close to a body of water in violation  
15 of WAC 16-25-025. Defendants have since covered the animal carcass pile with dirt,  
16 without permission from the Corps, but the offending carcasses were not removed.

17 16. Upon information and belief, and based on Defendants' previous  
18 unlawful practices, the Corps expects Defendants to continue to move their cattle and  
19 other ranching business operations on and/or through the subject Corps-managed  
20 lands in violation of 36 C.F.R. § 327.

1       17. Defendants have not built any property boundary barrier between their  
2 private property and commercial cattle operations and the Corps-managed lands. The  
3 United States has no obligation to fence against such animals pursuant to RCW  
4 16.24.090. Defendants have maintained a winter feedlot on Corps-managed lands,  
5 which Plaintiff contends encourages Defendants' cattle to enter the Corps-managed  
6 lands.  
7

9       18. Further, Defendants constructed a road that directly encroaches on Corps-  
10 managed lands, and which also damaged the habitat and interfered with the  
11 Congressionally mandated use of the federal lands for wildlife management, public  
12 recreation and dam operations.  
13

15       19. Defendants also constructed a large building, used for ranching  
16 operations, on a portion of land that directly encroaches on federal lands owned by the  
17 United States and managed by the Corps.  
18

19       20. Defendants have not compensated the United States for their unlawful  
20 and unauthorized conversion of federal lands for their own private and/or commercial  
21 use.  
22

23       21. Defendants have refused to move their cattle and/or personal property  
24 from lands owned by the United States and managed by the Corps despite repeated  
25 requests to do so by Corps authorized personnel, acting under the authority of the  
26 Secretary of the Army. The Corps' requests and Defendants' refusals to comply  
27 include, but are not necessarily limited to:  
28

1                   i. On April 4, 2012, the Corps sent a cease and desist letter to  
2 Defendants demanding that Defendants remove all property and  
3 terminate the unlawful use of the subject federal lands within 180 days.  
4 The letter included a map showing the boundary lines. The Corps also  
offered to have the property line flagged for Defendants.

5                   ii. On October 22, 2012, after giving Defendants ample time to  
6 remedy the unlawful encroachment, the Corps conducted an inspection  
7 to determine if Defendants complied with the Corps' earlier cease and  
8 desist letter. The Corps' inspection revealed that Defendants' unlawful  
9 encroachments remained.

10                  iii. On February 7, 2013, the Corps again sent a cease and desist  
11 letter to Defendants, requesting that Defendants remedy the continued  
12 livestock trespasses and encroachments by no later than April 30, 2013.

13                  iv. In January and February of 2014, the Corps contracted to  
14 perform an independent record of survey of the lands upon which  
15 Defendants were actively trespassing and encroaching.

16                  v. On June 4, 2014, the Corps met with Defendants regarding  
17 the possibility of a land exchange, under 33 U.S.C. §558b, in a sincere  
18 effort to try to resolve Defendants' unlawful encroachments and multiple  
19 trespasses.

20                  vi. On June 19, 2014, the Corps provided a copy of the Survey  
21 to Defendants and requested that all personal property and ranching  
22 operations be removed from the subject federal lands within 45 days of  
23 the Corps' letter to Defendants.

24                  vii. On October 1, 2014, the Corps sent Defendants a letter  
25 through their attorney, explaining that Defendants could purchase or  
26 lease the land that Defendants' building encroached upon, which would  
27 cost \$5,600 to initiate the process, or alternatively Defendant could  
28 pursue a land exchange, which would cost \$18,300 to initiate. The  
Corps' letter included the necessary forms to start the process.

viii. On January 15, 2015, Defendants responded to the Corps' October 1, 2014, letter and expressed interest in a land exchange, but stated Defendants would not pay the administrative costs required to initiate that process.

ix. Defendants have not submitted any of the required paperwork for the Corps to initiate a land exchange. Defendants have also failed to identify any substitute lands suitable for a land exchange with the Corps, and have refused to pay any administrative fees related to a land exchange. The Corps has repeatedly informed Defendants that the Corps' policies and procedures require the individual property owner benefiting from a land exchange (i.e., not the other United States taxpayers) to pay all associated administrative fees, in accordance and compliance with 10 U.S.C. § 2695, Engineer Regulation 405-1-12 and other applicable Corps policies (*see*, <http://www.nww.usace.army.mil/Business-With-Us/Real-Estate>).

x. On May 19, 2016, the United States Attorney's Office, at the request of the Corps, again contacted Defendants and reaffirmed that Defendants were required to pay the administrative fees associated with any land exchange. Plaintiff also advised that Defendants should build a fence to keep his cattle from unlawfully trespassing on the Corps-managed federal land. The Corps also provided Defendants with formal, final notice that Defendants' cattle operations on the Corps' managed lands must cease, desist, and further instructed Defendants to prevent any further livestock trespasses and carcass dumping, and directed Defendants to resolve all unlawful encroachments.

xi. On June 29, 2016, the Corps and Defendant met at Defendants' ranch to discuss Defendants' trespasses and encroachments. Plaintiff United States, through the U.S. Attorney's Office, sent Defendants a letter on August 5, 2016, memorializing items discussed at the parties' meeting, including but not necessarily limited to: 1) Defendants' use of federal lands violated both state and federal law; 2) the United States demanded a proposal from Defendants by August 26,

1 2016, describing actions Defendants would take to prevent further  
2 unlawful trespasses and encroachments; 3) advising Defendants that  
3 costs of the discussed land exchange would likely exceed \$100,000; 4)  
4 though grazing leases are allowable, leasing the subject land to  
5 Defendants would conflict with the Corps' habitat mitigation obligation,  
6 and its purpose since Defendants' unlawful historical commercial use  
7 damaged the subject lands; 5) the least expensive and most effective  
8 option was for Defendants to *inter alia* build a fence; 6) the boundary  
9 line of the federal lands was previously adjusted around structures that  
10 existed in 1965, when the Corps purchased the land, and that  
11 Defendants' building unlawfully encroaching on federal land did not  
12 exist until sometime after 1975, meaning Defendants unlawfully  
13 constructed the structure on federal land.

14 xii. On August 23, 2016, Defendants sent the Corps a letter  
15 restating their earlier interest in a land exchange, but also stating that  
16 Defendants would not pay the mandatory administrative costs associated  
17 with such an exchange. Defendants did not discuss or propose any  
18 further viable actions for resolving Defendants' continuing unlawful  
19 trespass and encroachment.

20 xiii. On October 21, 2016, the Corps sent Defendants a letter  
21 identifying five critical areas of trespasses and encroachments.

22 xiv. On November 28, 2016, Defendants stated that the animal  
23 carcass pit was filled through self-action, and that a purported  
24 Conservation Reserve Program ("CRP") mix was planted over the area.

25 xv. From at least 2011 to the present, on information and belief,  
26 Defendants continues to encroach on the subject federal property  
27 managed by the Corps. Defendants have and continue to use federal  
28 lands for the storage of Defendants' hay or other materials, including but  
not limited to the parking of vehicles or farm equipment, and continued  
operation of the Defendants' farm/ranch operations without the required  
permission of the Corps.

1       22. Upon information and belief, from at least 2011 (and perhaps for prior  
2 decades) to the present, Defendants unlawfully profited from their unlawful, private  
3 and commercial use of federal lands, despite possessing no legitimate property interest  
4 or other proper federal authorization to use, occupy or convert these lands to  
5 Defendants' personal and/or commercial use.  
6

7       23. Defendants' conduct and activities described in ¶¶ 11-21, including the  
8 above sub-parts, was intentional and contrary to federal law and/or regulations  
9 promulgated by the Secretary of the Army.  
10

12       **IV. COUNT 1: VIOLATIONS OF FEDERAL LAW**

13       24. Defendants' continued livestock trespasses and associated encroachments  
14 violate federal law.  
15

16       25. Chapter 36 of Code of Federal Regulations (CFR) prohibits individuals  
17 from operating and parking vehicles on federal lands, except in authorized areas (Part  
18 § 327.2) for ranging, grazing, watering and/or allowing livestock on project lands, and  
19 with prior written authorization (Part § 327.11). Chapter 36 also prohibits Defendants  
20 from damaging or altering public property (Part § 327.14(a)); abandoning or storing  
21 personal property on project lands (Part § 327.15); engaging in commercial activity on  
22 project lands (Part § 327.18); and constructing or placing any structure on project  
23 lands (Part § 327.20).  
24

25       26. Defendants' repeated, unlawful livestock trespasses and encroachments  
26 are deliberate, willful and/or knowing violations of federal law. Further, Defendants  
27

1 have unlawfully constructed a road, part of a building and concrete slab, and have  
2 placed other feed, structures, equipment and general winter feedlot operation supplies  
3 on project lands owned by the United States.  
4

5 27. Defendants have not and cannot produce any written authorization  
6 justifying Defendants' unlawful personal and/or commercial use and damaging of the  
7 subject federal lands.  
8

9 **VII. COUNT 2: VIOLATIONS OF STATE LAW**  
10

11 28. Defendants' continued livestock trespasses and dumping of carcasses  
12 also violate Washington State Law. Revised Code of Washington (RCW) Section  
13 16.24.065 prohibits livestock owners from allowing livestock to run at large on lands  
14 owned by the United States, unless the owner has been granted grazing privileges in  
15 writing. *See* RCW 16.24.065.  
16

17 29. Defendants' repeated trespasses are willful and deliberate. Defendants  
18 have placed feed, structures, equipment and general winter feedlot operation supplies  
19 on property owned and managed by the United States.  
20

21 30. Washington Administrative Code (WAC) 16-25-025 forbids leaving  
22 carcasses to decompose within 1,320 feet of a body of water.  
23

24 31. Defendants' placement of animal carcasses within 1,320 feet of a body of  
25 water (i.e., the Snake River) is willful and deliberate.  
26

27 32. Further, Defendants continued to add carcasses to the animal carcass pile,  
28 even after being notified that doing so violates WAC 16-25-025.

**VIII. COUNT 3: TRESPASS & UNAUTHORIZED  
USE OF FEDERAL LAND**

The United States incorporates its previous allegations as though fully set forth herein.

33. As a direct and proximate result of Defendants' alleged conduct, Defendants have enjoyed the benefit of the use of federal lands at the expense of Plaintiff's proprietary and sovereign interests, and at the expense of United States' taxpayers, by unlawfully using, without authorization or payment, the public lands for grazing/winter feedlot operations, construction/placement of structures and a road, and the storing personal property.

34. As stated above, Defendants' unauthorized livestock trespasses and associated unlawful encroachments are occurring at the Central Ferry Habitat Management Unit (HMU), Little Goose Lock and Dam Project, which is classified as "Wildlife Management General" under the Project Master Plan. The HMU is intended to support habitat requirements under the Lower Snake River Compensation Plan, which was authorized by Congress under the Water Resources Development Act of 1976 (P.L 94-587). Livestock can adversely impact wildlife habitat in numerous ways:

(A) Livestock grazing not only affects vegetation characteristics, but also affects wildlife habitat structure and productivity. Vegetation composition, soil compaction, and livestock deposition are three of the primary impacts of concern from Defendants' livestock trespasses. Patterns of herbivory also largely determine plant community composition, structure, and productivity.

1 (B) Physical impact occurs through hoof action, pawing, and wallowing,  
2 grazing animals trample plants, breaking up soil surfaces, and incorporating  
3 seed into the soil and compact soils. Deposition involves grazing animals  
4 contributing to nutrient cycling by depositing nitrogen-rich urine and dung,  
5 potentially leading to excess nutrients.

6 (C) Based on the Corps' land management experience, research and field  
7 personnel observations, it is clear that the plant species community and  
8 composition currently present is not conducive with the Corps' wildlife  
9 habitat management mission for these lands.

10 (D) Soil compaction is also evident along the roads established by  
11 Defendants, the cattle trails, and in the areas of Defendants' once active  
12 feedlot and watering operations. Excessive nutrient levels accumulate in  
13 areas of livestock congregation, i.e. corrals, feed bunks, and water troughs,  
14 and is evident at the once active feedlot and watering operations areas, and  
15 in the large manure piles along with liquid manure disposal locations.

16 (E) Other potential impacts on this site are herbicides and other pesticides.  
17 Usage of these types of products is unknown, but upon examination of the  
18 area on October 11, 2016, it is apparent herbicides were used in the past to  
19 control broadleaf weeds. This is evident due to the abundant Russian thistle,  
20 rush skeletonweed, and other invasive species, both on Corps-managed lands  
21 and adjoining railroad lands.

22 35. Defendants are liable and indebted to the United States for Defendants'  
23 willful repeated trespasses and/or unauthorized use fees, administrative costs, and  
24 restoration costs, in an amount to be proven at the time of trial. Further fees and costs  
25 will increase the debt Defendant owes to Plaintiff as Defendant's unlawful conduct  
26 continues and as further administrative expenses are incurred in remediation and  
27 through prosecution of this action for remedial and injunctive relief.

1           **IX. COUNT 4: INJUNCTIVE RELIEF FROM DEFENDANTS' TRESPASS**

2           36. Defendants have consistently and continuously expressed an intent to  
3 continue to defy the federal authority, including that of the Secretary of the Army,  
4 delegated to the U.S. Army Corps of Engineers, to administer the public lands within  
5 the Central Ferry HMU, Little Goose Lock and Dam Project, lower Snake River.  
6

7           37. Defendants have repeatedly and continuously expressed an intent to place  
8 or allow their livestock to trespass on federal land without limitation, to construct and  
9 maintain structures and roads on federal land, and to place personal property, debris,  
10 and animal carcasses on Corps-managed public land, all contrary to the expressed  
11 directives of the Corps officers and personnel, acting under the authority of the  
12 Secretary of the Army.  
13

14           38. Plaintiff has no adequate remedy at law to address Defendants'  
15 continuous and persistent unlawful conduct, and therefore seeks a preliminary and  
16 permanent injunction prohibiting Defendants from placing or allowing unauthorized  
17 livestock trespasses, constructing structures and roads, and from placing personal  
18 property on the public lands administered by the Corps.  
19

20           **X. PRAYER FOR RELIEF**

21           WHEREFORE, the United States prays for judgment and relief against  
22 Defendants as follows:  
23

1       1. For damages attributed to the Defendants' livestock trespasses and/or  
2 encroachments and unauthorized use, together with additions and accruals to date of  
3 judgment, according to the proof provided;  
4

5       2. For declaratory relief finding that Defendants have unlawfully grazed and  
6 conducted feedlot operations for livestock, and has placed/stored personal property  
7 and/or structures on Corps-managed lands in violation of 36 C.F.R. §§ 327.2, 327.9,  
8 327.11, 327.14, 327.15, and 327.18;

9       3. For preliminary and permanent injunctive relief prohibiting Defendants  
10 from placing or allowing unauthorized livestock or property from entering or being  
11 on the government lands administered by the Corps, without proper authorizations;

12       4. For further injunctive relief directing and requiring Defendants to remove  
13 all encroachments and personal property from the subject federal lands, including but  
14 not limited to all metal buildings, cement slabs, railroad ties, wood buildings, roads,  
15 manure piles, debris, animal carcasses, equipment and materials, and further requiring  
16 Defendants to remediate and restore the subject disturbed federal lands by  
17 Defendants' unlawful occupancy, to their natural state; or alternatively to impose  
18 judgment against Defendants to cover the United States' reasonable expenses in  
19 performing such remedial and/or restoration actions;

20       5. For the costs and fees of the suit pursued herein; and

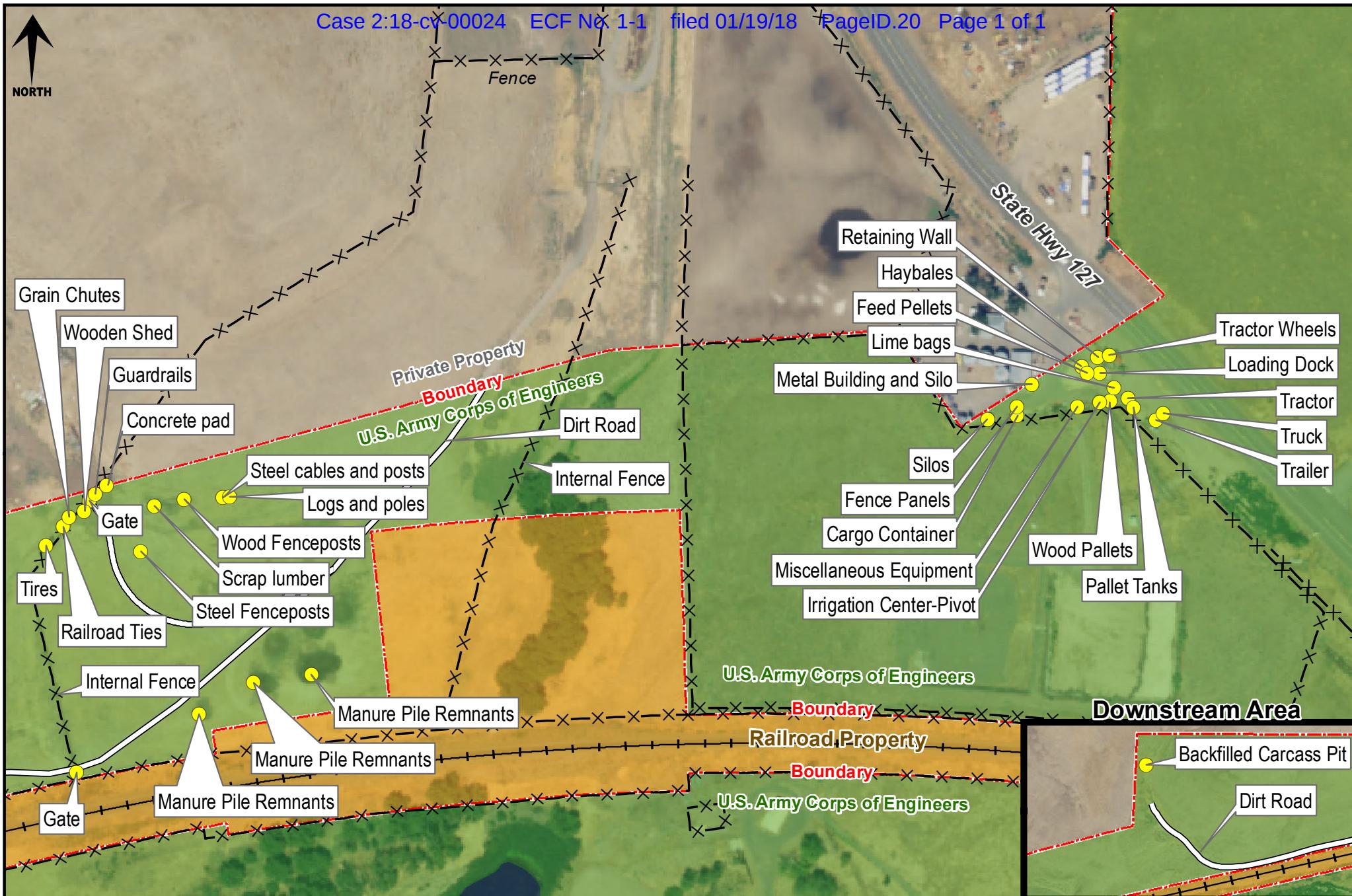
21       6. For such other and further relief as the Court deems proper, just or  
22 equitable in the premises.

1 RESPECTFULLY SUBMITTED this 19th day of January 2018.  
2  
3

4 JOSEPH H. HARRINGTON  
5 United States Attorney  
6

7 *s/ Vanessa R. Waldref*  
8 Vanessa R. Waldref, AUSA  
9 Rudy J. Verschoor, AUSA  
10 Attorneys for Defendant United States  
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↑  
NORTH



Scale 1:2,600

1 inch = 217 feet



US Army Corps of Engineers®  
Walla Walla District

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## Riley River Ranch Encroachment

### Status Report

#### Objects Remaining at Encroachment Sites

January 12, 2018

T 13 N, R 40 E, Sec. 4, 5, 8, Willamette Meridian

This product was produced from geospatial information by the U.S. Army Corps of Engineers. Geospatial data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using this product for purposes other than those for which it was intended may yield inaccurate or misleading results. USACE assumes no liability for correctness or accuracy, and reserves the right to correct, update, or modify geospatial data and/or products without notification.

Attachment A

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

|  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES   |
|---|--|---|--|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other   | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <b>PRISONER PETITIONS</b>   | <b>LABOR</b>   | <b>SOCIAL SECURITY</b>   |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/ Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education   | <b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                  | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))                   |
|   |  |   | <b>IMMIGRATION</b>   | <b>FEDERAL TAX SUITS</b>   |
|   |  |   | <input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions  | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609   |

## V. ORIGIN (Place an "X" in One Box Only)

|  |   |  |   |  |   |
|--|---|--|---|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|--|---|--|---|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): \_\_\_\_\_

## VI. CAUSE OF ACTION

Brief description of cause: \_\_\_\_\_

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions): \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.